

MAIL STOP MISSING PARTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: M.S. Banik et al.

Attorney Docket No.: BSEN122032

Application No.: 10/811,781

Group Art Unit: 3739

Filed: March 29, 2004

Title: SINGLE USE ENDOSCOPE IMAGING SYSTEM

PETITION TO ACCEPT UNSIGNED DECLARATION OF RICHARD M. CLARK

TO THE COMMISSIONER FOR PATENTS:

Pursuant to 37 C.F.R. § 1.47, applicants hereby petition the Office to accept the unsigned Declaration of Richard M. Clark, a co-inventor of the above-referenced patent application.

Accompanying this petition are:

- 1) the petition fee set forth in §1.17(h)
- 2) a declaration by the undersigned with proof of attempts made to contact Mr. Clark in order to obtain his signature on the Combined Declaration and Power of Attorney and Assignment of patent rights

The last known address of Mr. Clark is 4 Lee Ann Drive, Norfolk, MA 02056.

If the Office has any questions regarding this petition, the Office is invited to call applicants' attorney at the number listed below.

Respectfully submitted,

CHRISTENSEN O'CONNOR
JOHNSON KINDNESS^{PLLC}

Rodney C. Tullett
Registration No. 34,034
Direct Dial No. 206.695.1730

12/14/2004 SZEWDIE1 00000008 031740 10811781
06 FC:1463 70.00 DA 130.00 OP

I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid and addressed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the below date.

Date: December 8, 2004

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100



MAIL STOP MISSING PARTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: M.S. Banik et al. Attorney Docket No.: BSEN122032
Application No.: 10/811,781 Group Art Unit: 3739
Filed: March 29, 2004
Title: SINGLE USE ENDOSCOPE IMAGING SYSTEM

DECLARATION OF RODNEY C. TULLETT

I, Rodney C. Tullett, am a member of Christensen O'Connor Johnson Kindness PLLC, 1420 Fifth Avenue, Suite 2800, Seattle, Washington, 98101, the attorneys prosecuting the above-referenced patent application.

I have attempted to obtain, from Richard Clark, signatures on the Combined Declaration and Power of Attorney and Assignment of patent rights for this application.

Attached are copies of letters sent to Mr. Clark by Annette McKinnon and Stephen Azarian of Foster-Miller, Inc. of Waltham, Massachusetts, for whom Mr. Clark was a contract employee during the time when he was working on the subject matter of this application.

On December 1, 2004, I personally sent another copy of the Declaration and Assignment to Mr. Clark, via Federal Express, at his last known address. A copy of my letter to Mr. Clark and a copy of the Federal Express return receipt is also attached.

On December 6, 2004, I telephoned Mr. Clark at 508-528-6332 and left a voice mail message, but have not received a reply.

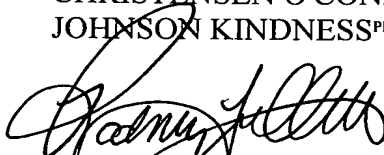
To date, Mr. Clark has not contacted our office regarding signing or returning the documents. In addition, I understand that Mr. Clark has not returned telephone calls from Annette McKinnon of Foster-Miller.

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

All statements made herein are true and all statements are made on information and belief and believed to be true. I understand that willful false statements and the like are punishable by fine or imprisonment, or both, (18 U.S.C. § 1001) and may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

CHRISTENSEN O'CONNOR
JOHNSON KINDNESS^{PLLC}



Rodney C. Tullett
Registration No. 34,034
Direct Dial No. 206.695.1730

I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid and addressed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the below date.

Date:

December 8, 2004

Pamela H. Tucker

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100



Foster-Miller

November 5, 2004

Mr. Richard J. Clark
4 Lee Ann Drive
Norfolk, MA 02056

Re: Patent Application "Single Use Endoscopic Imaging System" Filed March 29, 2004

Dear Mr. Clark:

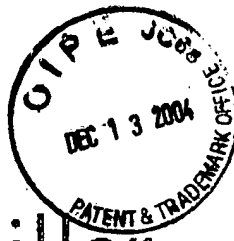
You are listed as a co-inventor on the above subject patent as the result of work performed at Foster-Miller, Inc. as a consultant during a portion of the development period. Please have your signature on the enclosed Assignment witnessed and notarized and return the Assignment to Walter Kneissler, Corporate Counsel, at Foster-Miller, Inc. at your earliest convenience in the enclosed FedEx envelope.

If you have any questions regarding the above please feel free to contact Mr. Kneissler at 781 684-4389 or by email at wkneissler@foster-miller.com.

Sincerely,

Annette McKinnon
Executive Administrator
Legal / Contracts
Foster-Miller, Inc.

Enclosures(2)



December 1, 2004

Mr. Richard J. Clark
4 Lee Ann Drive
Norfolk, MA 02056

Re: Patent Application "Single Use Endoscopic Imaging System" Filed 3/29/04

Dear Mr. Clark:

On November 5, 2004 correspondence was sent to you (copy attached) requesting that you execute and return to Foster-Miller, Inc. an Assignment of interest as co-inventor of the subject patent application. To this date we have not received this Assignment. Please complete the Assignment and return it to Foster-Miller, Inc. in the FedEx envelope originally provided.

Additionally, I have enclosed a "Combined Declaration and Power of Attorney in Patent Application" that also requires your signature. Please sign this document where indicated (witness is required, not notarization) and return it along with the Assignment document in the same FedEx package.

It is important that these documents are returned as quickly as possible. Please contact me if you have questions regarding the documents. Thank you for your anticipated timely response.

Sincerely,

Stephen T. Azarian
Vice President and General Counsel
Foster-Miller, Inc.

STA:adm
Enclosures(2)



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Tracking number	610858586644	Reference	BSEN-1-22032
Signed for by	Signature release on file	Delivery location	NORFOLK, MA
Ship date	Dec 1, 2004	Delivered to	Residence
Delivery date	Dec 2, 2004 1:00 PM	Service type	Standard Pak
		Weight	2.0 lbs.

Status Delivered

Date/Time	Activity	Location	Details
Dec 2, 2004	1:00 PM Delivered	NORFOLK, MA	Left at side door No signature required - release waiver on file
	8:31 AM On FedEx vehicle for delivery	RAYNHAM, MA	
	8:20 AM At local FedEx facility	RAYNHAM, MA	
	8:14 AM At dest sort facility	EAST BOSTON, MA	
	1:52 AM Departed FedEx location	MEMPHIS, TN	
	1:09 AM Arrived at FedEx location	MEMPHIS, TN	
Dec 1, 2004	6:42 PM Package data transmitted to FedEx		
	4:29 PM Left origin	SEATTLE, WA	
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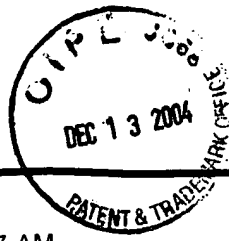
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Pam Tucker

From: FedEx [donotreply@fedex.com]
Sent: Thursday, December 02, 2004 10:27 AM
To: TUCKERP@COJK.COM
Subject: FedEx shipment 610858586644

Our records indicate that the shipment sent from Shipping/COJK to MR RICHARD CLARK has been delivered. The package was delivered on 12/02/2004 at 1:00 PM and signed for or released by 7931833.

The ship date of the shipment was 12/01/2004.

The tracking number of this shipment was 610858586644.

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To track the status of this shipment online please use the following:
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December 1, 2004

VIA FEDERAL EXPRESS

Mr. Richard Clark
4 Lee Ann Drive
Norfolk, MA 02056

Re: Title: SINGLE USE ENDOSCOPIC IMAGING SYSTEM
U.S. Patent Application No. 10/811,781
Filed: March 29, 2004
Inventors: Michael S. Banik et al.
Your Reference: 02-415US2
Our Reference: BSEN-1-22032

Action Requested: Please contact Rodney Tullett immediately and execute the enclosed documents this week.

Dear Mr. Clark:

We are writing with regard to the above-identified patent application, in which you are a co-inventor, and your urgent response is requested. We understand that previous attempts by Foster-Miller to get these documents signed by you have not been successful, and we are contacting you directly for your help in getting them signed. We are in the process of collecting signatures from the remaining co-inventors for submission to the U.S. Patent and Trademark Office on December 8, 2004.

Enclosed is a copy of the patent application as filed, along with a document entitled "Combined Declaration and Power of Attorney." Please sign and date this document where indicated with the red flag. Also enclosed is an assignment of your rights in the invention to Foster-Miller, Inc. As required by your employment agreement with Foster-Miller, please sign and date the assignment, where indicated, in the presence of a witness.

Please contact me when you have signed the documents, and return them in the enclosed prepaid Federal Express envelope. I can be reached at 206-695-1730 or via email at tullett@cojk.com.

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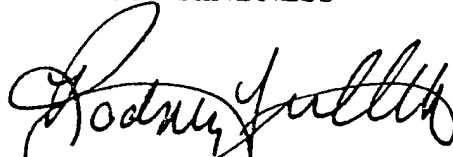
Mr. Richard Clark
December 1, 2004
Page 2

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Thank you for your prompt attention to this matter.

Very truly yours,

CHRISTENSEN O'CONNOR
JOHNSON KINDNESS^{PLLC}

A handwritten signature in black ink, appearing to read "Rodney C. Tullett", written over a horizontal line.

Rodney C. Tullett

Direct Dial No.: 206.695.1730

E-Mail Address: tullett@cojk.com

RCT:pt

Enclosures:

Copy of Application
Declaration
Assignment
Prepaid Return Envelope

cc: Kurt Lockwood, Esq.